

other nation is by forces of terrorism begrudging its very survival even prior to its 1948 rebirth and ever since.

Israel is a remnant of and collective address of a historical people suffering untold persecution as a powerless minority, which culminated in the consuming Holocaust's vast tragedy. It sought security through the normalcy of returning to its geographic and religious roots reflected in the unique Biblical heritage, only to be rejected by a hostile neighborhood alien to both its Jewish message and Western mindset.

Miraculously returning to the soil from which it was driven by the power of the Roman sword, Israel proved the superior quality of the soul. Taking into long exile and dispersion the cherished memory of Zion and Jerusalem, it faithfully incorporated it into its spiritual life enabling an unparalleled homecoming. The national revival and cultural renewal in a vibrant democratic context was accompanied by giant strides, turning a country poor in natural resources and devastated by past trouble into an oasis of a highly developed technological society in a sea of Arab feudalism and neglect. All that while defending against a relentless enemy and absorbing millions of displaced Jewish refugees, unlike the refusal of its neighbors to welcome as equals the Palestinians in their midst.

Its tenacious will to live at last convinced Egypt, the leading Arab country, and Jordan, of the futility of fighting Israel as well as the wisdom of making peace with it, providing instead for their internal front begging transformation. Of course, the rewards of the Israeli willing evacuation of the Sinai and its oil fields along with American support packages were added incentives. While Syria, a terrorist state, is still holding out, Chairman Arafat of the Palestinian Authority tragically proved that he lacks the conviction and courage of martyred President Sadat and Prime Minister Rabin, and the late Prime Minister Begin and King Hussein. In a moment of truth on July 2000 at Camp David Arafat dashed the dreams of so many, turning his back to most forthcoming Prime Minister Barak with President Clinton's risked prestige, converting vision into violence with suicide-homicide bombings lowering inhumanity's bar.

First Palestinian Prime Minister Abu Mazen will hopefully demonstrate to rightfully and responsibly expecting Prime Minister Sharon an abandonment of terrorism's path, with commitment to peaceful co-existence at Israel's side benefiting both long-suffering peoples. However, Israel should never compromise on its security and survival. The unimaginable evil events of September 11, 2001 have highlighted the direct dangers also to America and world stability by the forces of militant Islam. The war in Iraq under President George W. Bush's decisive leadership of a man carrying the burden of a wounded nation, toppled Saddam Hussein's terror-filled regime with freedom's hammer hand-delivered by Lady Liberty's daring children. Consequently, the new vistas have the great potential to infuse the Middle East with essential democratic spirit, providing renewed promise to that critical region that is the cradle of the three great monotheistic religions, to once again bless humanity rather than dooming it. The unshakable bond between the United States and Israel, both victims of terrorism, born of common vision, values and valor for shalom's yet enduring victory, remains a reassuring beacon of light in history's darkness.

Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, is son of Polish Holocaust survivors.

## MILITARY IN-STATE TUITION

### HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 6, 2003*

Mr. SCOTT of Georgia. Mr. Speaker, I rise to introduce the Military In-State Tuition Act of 2003.

Currently, there is a patchwork of state laws regarding residency requirements for in-state tuition rates for military personnel and their families. When service members are given transfer orders that relocate them to a different state, college students in the family must often face tough choices regarding tuition costs at the college or university in their home state.

There are three residency requirement issues that have been identified by military leaders in my state. First, it is difficult for some families to maintain their eligibility for in-state tuition within their state of legal residence, if they have been assigned outside of that state. For example, a military family may be stationed in another country or state while maintaining residency in the member's home state. Upon return to their state of residence, they find they are not eligible for in-state tuition. My legislation would ensure that soldiers and their families are always eligible for in-state tuition rates in their state of legal residence.

Second, some dependents of military personnel have trouble maintaining in-state tuition at their current college or university, if their sponsoring active-duty parent is transferred out of state. My legislation would address this concern by ensuring that students receive in-state tuition even if the military parent or guardian is reassigned out of state.

Last, most active duty military members who are transferred out of state while enrolled in a state college or university do not qualify for in-state tuition in their new state of assignment until a lengthy residency requirement is met. My legislation would ensure that soldiers, who have been reassigned due to military orders, and their families are eligible immediately for in-state tuition.

Given the sacrifices that active-duty military personnel make for our country, I believe that it is only fair that if they and their families enroll at state colleges and universities, they should qualify for in-state tuition. These active duty members should not be penalized by having to pay higher tuition rates when they are reassigned to another military facility in a different state.

I hope my colleagues will join me by supporting and cosponsoring this legislation.

TIME MAGAZINE REPORTER JIM LACEY EMBEDDED WITH 101ST AIRBORNE

### HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 6, 2003*

Mr. TAYLOR of Mississippi. Mr. Speaker, I submit the attached report of Time Magazine correspondent Jim Lacey for the CONGRESSIONAL RECORD.

TIME MAGAZINE REPORTER JIM LACEY EMBEDDED WITH 101ST AIRBORNE

Since returning from Iraq a short time ago I have been answering a lot of questions

about the war from friends, family, and strangers. When they ask me how it was over there I find myself glossing over the fighting, the heat, the sandstorms, and the flies (these last could have taught the Iraqi army a thing or two about staying power). Instead, I talk about the soldiers I met, and how they reflected the best of America. A lot of people are going to tell the story of how this war was fought; I would rather say something about the men who won the war.

War came early for the 1st Brigade of the 101st Airborne when an otherwise quiet night in the Kuwaiti desert was shattered by thunderous close-quarters grenade blasts. Sgt. Hasan Akbar, a U.S. soldier, had thrown grenades into an officers' tent, killing two and wounding a dozen others. Adding to the immediate confusion was the piercing scream of SCUD alarms, which kicked in the second Akbar's grenade exploded. For a moment, it was a scene of near panic and total chaos.

Just minutes after the explosions, a perimeter was established around the area of the attack, medics were treating the wounded, and calls for evacuation vehicles and helicopters were already being sent out. Remarkably, the very people who should have been organizing all of this were the ones lying on the stretchers, seriously wounded. It fell to junior officers and untested sergeants to take charge and lead. Without hesitation everyone stepped up and unflinchingly did just that. I stood in amazement as two captains (Townlee Hendrick and Tony Jones) directed the evacuation of the wounded, established a hasty defense, and helped to organize a search for the culprit. They did all this despite bleeding heavily from their wounds. For over six hours, these two men ran things while refusing to be evacuated until they were sure all of the men in their command were safe.

Two days later Capt. Jones left the hospital and hitchhiked back to the unit: He had heard a rumor that it was about to move into Iraq and he wanted to be there. As Jones—dressed only in boots, a hospital gown, and a flak vest—limped toward headquarters, Col. Hodges, the 1st Brigade's commander, announced, "I see that Captain Jones has returned to us in full martial splendor." The colonel later said that he was tempted to send Jones to the unit surgeon for further evaluation, but that he didn't feel he had the right to tell another man not to fight: Hodges himself had elected to leave two grenade fragments in his arm so that he could return to his command as quickly as possible.

The war had not even begun and already I was aware that I had fallen in with a special breed of men. Over the next four weeks, nothing I saw would alter this impression. A military historian once told me that soldiers could forgive their officers any fault save cowardice. After the grenade attack I knew these men were not cowards, but I had yet to learn that the brigade's leaders had made a cult of bravery. A few examples will suffice.

While out on what he called "battlefield circulation," Col. Hodges was surveying suspected enemy positions with one of his battalion commanders (Lt. Col. Chris Hughes) when a soldier yelled "Incoming" to alert everyone that mortar shells were headed our way. A few soldiers moved closer to a wall, but Hodges and Hughes never budged and only briefly glanced up when the rounds hit a few hundred yards away. As Hodges completed his review and prepared to leave, another young soldier asked him when they would get to kill whoever was firing the mortar. Hodges smiled and said, "Don't be in a hurry to kill him. They might replace that guy with someone who can shoot."

The next day, a convoy Col. Hodges was traveling in was ambushed by several Iraqi

paramilitary soldiers. A ferocious firefight ensued, but Hodges never left the side of his vehicle. Puffing on a cigar as he directed the action, Hodges remained constantly exposed to fire. When two Kiowa helicopters swooped in to pulverize the enemy strongpoint with rocket fire, he turned to some journalists watching the action and quipped, "That's your tax dollars at work."

Bravery inspires men, but brains and quick thinking win wars. In one particularly tense moment a company of U.S. soldiers was preparing to guard the Mosque of Ali—one of the most sacred Muslim sites—when agitators in what had been a friendly crowd started shouting that they were going to storm the mosque. In an instant, the Iraqis began to chant and a riot seemed imminent. A couple of nervous soldiers slid their weapons into fire mode, and I thought we were only moments away from a slaughter. These soldiers had just fought an all-night battle. They were exhausted, tense, and prepared to crush any riot with violence of their own. But they were also professionals, and so, when their battalion commander, Chris Hughes, ordered them to take a knee, point their weapons to the ground, and start smiling, that is exactly what they did. Calm returned. By placing his men in the most non-threatening posture possible, Hughes had sapped the crowd of its aggression. Quick thinking and iron discipline had reversed an ugly situation and averted disaster.

Since then, I have often wondered how we created an army of men who could fight with ruthless savagery all night and then respond so easily to an order to "smile" while under impending threat. Historian Stephen Ambrose said of the American soldier: "When soldiers from any other army, even our allies, entered a town, the people hid in the cellars. When Americans came in, even into German towns, it meant smiles, chocolate bars and C-rations." Ours has always been an army like no other, because our soldiers reflect a society unlike any other. They are pitiless when confronted by armed enemy fighters and yet full of compassion for civilians and even defeated enemies.

American soldiers immediately began saving Iraqi lives at the conclusion of any fight. Medics later said that the Iraqi wounded they treated were astounded by our compassion. They expected they would be left to suffer or die. I witnessed Iraqi paramilitary troops using women and children as human shields, turning grade schools into fortresses, and defiling their own holy sites. Time and again, I saw Americans taking unnecessary risks to clear buildings without firing or using grenades, because it might injure civilians. I stood in awe as 19-year-olds refused to return enemy fire because it was coming from a mosque.

It was American soldiers who handed over food to hungry Iraqis, who gave their own medical supplies to Iraqi doctors, and who brought water to the thirsty. It was American soldiers who went door-to-door in a slum because a girl was rumored to have been injured in the fighting; when they found her, they called in a helicopter to take her to an Army hospital. It was American soldiers who wept when a three-year-old was carried out of the rubble where she had been killed by Iraqi mortar fire. It was American soldiers who cleaned up houses they had been fighting over and later occupied—they wanted the places to look at least somewhat tidy when the residents returned.

It was these same soldiers who stormed to Baghdad in only a couple of weeks, accepted

the surrender of three Iraqi Army divisions, massacred any Republican Guard unit that stood and fought, and disposed of a dictator and a regime with ruthless efficiency. There is no other army—and there are no other soldiers—in the world capable of such merciless fighting and possessed of such compassion for their fellow man. No society except America could have produced them.

Before I end this I want to point out one other quality of the American soldier: His sense of justice. After a grueling fight, a company of infantrymen was resting and opening their first mail delivery of the war. One of the young soldiers had received a care package and was sharing the home-baked cookies with his friends. A photographer with a heavy French accent asked if he could have one. The soldier looked him over and said there would be no cookies for Frenchmen. The photographer then protested that he was half Italian. Without missing a beat, the soldier broke a cookie in half and gave it to him. It was a perfect moment and a perfect reflection of the American soldier.

#### HONORING JUAN MARTIN CASTILLO

#### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 6, 2003*

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Juan Martin Castillo, the recipient of the 2003 Human Relations Award given by the Orange County Human Relations Commission.

The recipients of the Human Relations Awards are named for making significant contributions to the county, by demonstrating commitment to human and civil rights, and by fostering respect and understanding among people of all backgrounds.

Mr. Castillo has met all of the above. He organized the very first meetings of the Latino branch of the Orange County Parents, Families and Friends of Lesbians and Gays.

With Mr. Castillo's help and dedication to the organization, monthly meetings consist of dozens of parents and friends who gather to share stories and laughter, and to offer support.

I am very proud of the work Mr. Castillo has done in his community. I commend him for his work to make our world a more tolerant place to live.

#### BLACK LUNG BENEFITS SURVIVORS EQUITY ACT

#### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 6, 2003*

Mr. RAHALL. Mr. Speaker, today I am reintroducing legislation aimed at providing equity in the treatment of benefits for eligible survivors of recipients of black lung benefits.

By way of background, in 1981 the Black Lung Benefits Act was amended in several respects at the urging of the Reagan Administra-

tion. The driving motivation for this legislation at the time was to shore up the finances of the Black Lung Disability Trust Fund through which benefit payments are made to beneficiaries where mine employment terminated prior to 1970, or where no mine operator can be assigned liability.

After the enactment of this legislation, administrative actions and a number of extremely harmful court decisions made it extremely difficult, if not almost impossible, for those suffering from the crippling disease of black lung to qualify for benefits. However, today, a large number of the problems claimants faced have been remedied by a Clinton Administration rulemaking that was finalized on December 20, 2000.

Yet, two provisions of the 1981 Act in particular continue to be most troublesome, and largely impact, in a very adverse way, surviving widows of coal miners who die as a result of black lung disease.

As it now stands, due to the 1981 amendments, there is a dual and inequitable standard governing how benefits are handled for surviving spouses of deceased beneficiaries. In the event a beneficiary died prior to January 1, 1982—the effective date of the 1981 Act—benefits continued uninterrupted to the surviving spouse.

However, if the beneficiary dies after January 1, 1982, the surviving spouse must file a new claim in order to try to continue receiving the benefits and must prove that the miner died as a result of black lung disease despite the fact that the miner was already deemed eligible to receive benefits prior to death. This is illogical, unfair and outlandish.

In addition, as a result of the 1981 law, there is also a dual and inequitable standard governing the basis by which a miner or his widow is entitled to benefits under the Act. For pre-1981 Act claimants, a rebuttable presumption of the existence of black lung disease is established if the miner worked for 15 years or more in underground coal mines and if over evidence, such as an X-ray, demonstrates the existence of a total disability respiratory or pulmonary impairment. This rebuttable presumption, however, does not apply to post-1981 Act claimants.

The legislation I am introducing today removes the requirement that a surviving spouse must refile a claim in order to continue receiving benefits. It also applies the rebuttable presumption of black lung disease for pre-1981 Act claimants to those filed after the effective date of that statute.

This is a fair and just proposal, and one which should have been enacted years ago. In fact, I have introduced various black lung bills since 1988. During the early 1990s the House of Representatives on two occasions passed reform legislation. Much of what was contained in these comprehensive reform bills was finally addressed by the Clinton-era rulemaking. However, the subject matter of the bill I am introducing today demands action by the Congress.

I urge the leadership of this body to consider this matter, and to allow this bill to be acted upon this year.